DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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DATE: June 1, 2004 ACLA Letter No. 04-06

TO: All County Lead Agencies (ACLA)

SUBJECT: SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000

(SACPA) - Chaptered Legislation on Probation: Transfer of Cases

REFERENCE: Assembly Bill (AB) 1306 (Leno) – Chapter 30, Statutes of 2004

The purpose of this letter is to advise the Lead Agencies on the enactment of changes to Section 1203.9 of the Penal Code (PC), relating to transfer of probationers.

This bill establishes procedures relating to transfer of a probationer, eligible for drug treatment services under the Substance Abuse and Crime Prevention Act of 2000, from the individual's county of arrest to their county of residence, where probation supervision, as well as drug treatment for the duration of probation, may be provided. This bill encourages successful completion of drug treatment and other services provided under Proposition 36, because all services will occur in the county of a probationer's residence.

Under the amended PC Section 1203.9, a court Judge in any county of conviction may transfer a probationer in a Proposition 36 case to the county of the probationer's permanent residence. Transfer of a case to the receiving court would occur at the discretion of the sentencing court where it has been shown that the receiving county is the probationer's place of permanent residence.

As AB 1306 was an urgency statute, changes enacted with its signing into law took effect immediately, to allow special probation transfer procedures to be implemented effectively and expeditiously.

If you have questions, please contact your SACPA county analyst or the Office of Criminal Justice Collaboration at (916) 445-7456 or SACPA@adp.state.ca.us.

Sincerely,

[Original Signed By]

DEL SAYLES-OWEN
Deputy Director
Office of Criminal Justice Collaboration

Attachment: AB 1306, Chaptered

